

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Howard, *et al.* CONFIRMATION NO. : 6031
SERIAL NUMBER : 10/723,240 EXAMINER : .Strege, John B.
FILING DATE : November 26, 2003 ART UNIT : 2624
FOR : SYSTEMS AND METHODS FOR MANAGING AND DETECTING FRAUD IN
IMAGE DATABASES USED WITH IDENTIFICATION DOCUMENTS

Via EFS

APPLICATION FOR ADJUSTMENT OF PATENT TERM UNDER 37 C.F.R. § 1.705(b)

Applicants request reconsideration of the patent term adjustment under 37 C.F.R. § 1.705(b) to 713 days as of the mailing of the Notice of Allowance. In support of this request, Applicants submit the following statement of facts pursuant to 37 C.F.R. § 1.705(b).

(i) The United States Patent and Trademark Office (“Office”) calculated the adjustment under 35 U.S.C § 154(b)(1)(A) as 965 days (USPTO A Delay). Applicants do not dispute this number.

(ii) The correct reduction of patent term under 35 U.S.C § 154(b)(2)(C), for Applicants’ failure to engage in reasonable efforts to conclude prosecution of the application, is 252 days. This number differs from that calculated by the Office by 143 days for the following reasons:

1. The Office incorrectly attributed 147 days of delay to Applicants in connection with the response filed on September 2, 2009 (“the Response”). The Response was submitted at the request of the Examiner. Specifically, the Examiner requested that the claims be placed in proper order and the text of the withdrawn claims be reintroduced. Following the Response, a Notice of Allowance was mailed on October 9, 2009. Accordingly, the Response should not be considered a “supplemental” response and Applicants should be credited 147 days.
2. 4 days of delay should be attributed to Applicants for the Supplemental Information Disclosure Statement filed on January 15, 2010.

In summary, Applicants respectfully request an adjustment of patent term to indicate a total PTA of 713 days, which is the sum of periods under 35 U.S.C § 154(b)(1)(A) (965 days), less the sum of the periods under 35 U.S.C § 154(b)(2)(C) (252 days), or a total of 713 days.

The above-identified application is not subject to a terminal disclaimer. There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application as set forth in 37 C.F.R. § 1.704, other than the circumstances of record.

Applicants reserve the right to request reconsideration of the patent term calculated under 35 U.S.C § 154(b)(1)(B). As of the present time, the delay due to the failure of the Office to issue a patent within three years after the date on which the application was filed is estimated to be 846 days.

Pursuant to 37 C.F.R. § 1.705(b) and § 1.18(e), the fee required for filing this application for patent term adjustment is believed to be **\$200.00**. Please charge the required fee, and any additional fees due, or credit any overpayment of same, to Deposit Account No. 50-0311, Customer No. 30623, Reference No.: 38820-526002US.

Respectfully submitted,

/Muriel Liberto/

Date: June 22, 2010

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